

MEMO ENDORSED

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February 1, 2023

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Filed on ECF and by email to failla_nysdchambers@nysd.uscourts.gov

United States v. Sururi Barbee
20 Cr. 403 (KFP)

Dear Judge Failla:

We were appointed by Your Honor earlier today to represent Mr. Barbee pursuant to the Criminal Justice Act. Based on our conversations with Mr. Barbee, Xavier Donaldson (who represented Mr. Barbee in this matter) and what we understand to be the posture of this case, we respectfully ask that Your Honor set an emergency conference for either tomorrow afternoon or anytime on Friday at which we intend to seek an extension of the current surrender date (which is set for Monday, February 6, 2023) based upon the deterioration of Mr. Barbee's mother's health and his need to provide care for her that nobody else in his family is available to provide. Such an extension would also allow us to consider filing a motion for sentencing relief in the form of a habeas petition and or/compassionate release.

Respectfully submitted,

Sarah M. Sacks

Defendant's request for a conference is GRANTED. The parties are hereby ORDERED to appear for a telephone conference at 2:30 p.m. on **February 2, 2023**. The dial-in information is as follows: At 2:30 p.m. the parties shall call (888) 363-4749 and enter access code 5123533. Please note, the conference will not be available prior to that time.

The Clerk of Court is directed to terminate the motion at docket entry 52.

Dated: February 1, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE